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595 Shrewsbury Ave, Suite 100  
Shrewsbury, NJ 07702-4185  
TEL 732.530.9404  
FAX 732.530.9808  
WWW.MPSLI.P.COM

**FACSIMILE COVER SHEET**

**DATE:** June 22, 2004  
**FILE NO:** DIVA/043  
**TO:** Usha Raman  
**FAX NO:** 703-308-5359  
**COMPANY:** PTO  
**FROM:** Steven M. Hertzberg  
**PAGE(S) with cover:** 9  
**ORIGINAL TO FOLLOW?** ☐ YES ☒ NO

**MESSAGE:** Per our telephone conversation, Response to 6/22/04 Telephone Notice of Non-Complaint Amendment in Serial No. 09/458,319 is attached.

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PTO/SB/21 (08-00)

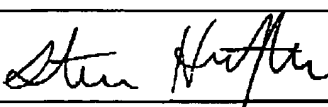
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/458,319	
	<b>Filing Date</b>	December 10, 1999	
	<b>First Named Inventor</b>	Smyth	
	<b>Group Art Unit</b>	2611	
	<b>Examiner Name</b>	Raman, Usha	
<b>Total Number of Pages in This Submission</b>	8	<b>Attorney Docket Number</b>	DIVA/043

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response to Notice of Non-Compliant Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (3 sheets) (1 sheet annotated in red ink) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;">Facsimile transmission</p>
<b>Remarks</b>  It is believed no fee is due. However, in the event a fee is due, kindly charge that fee to deposit account number 20-0782. To facilitate that charge, a duplicate copy of this letter is enclosed		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Steven M. Hertzberg, Esq. Reg. No. 41,834	
Signature		
Date	June 22, 2004	

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

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Laura E. Crater  
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